



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,868	03/25/2004	Takashi Aizawa	B588-684 (25815.700)	6663

26272 7590 06/30/2009
COWAN LIEBOWITZ & LATMAN P.C.
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

WANG, KENT F

ART UNIT	PAPER NUMBER
----------	--------------

2622

MAIL DATE	DELIVERY MODE
-----------	---------------

06/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/808,868	Applicant(s) AIZAWA, TAKASHI	
	Examiner KENT WANG	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments, filed on 05/09/2009, have been entered and made of record. Claims 1-41 have been cancelled. Claims 42-53 and 55-66 have been amended. Claims 42-71 are pending.

Response to Argument

2. Applicant's arguments with respect to the claim rejection(s) under 35 USC §112 First and Second Paragraph of claim(s) 42, 46, 53, 55, 59, and 66 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.
3. Applicant's arguments with respect to independent claim 18 and dependent claims 19-24 under 35 USC §102 and §103 have been considered but are moot in view of the newly found prior art references.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 42-45, 47, 49-51, 54-58, 60, 62-65, and 67-71 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tanaka (US 7,321,763).

Regarding claim 42, Tanaka discloses an information processing apparatus (a cellular phone 40, Figs 1 and 6, as the cellular phone is provided with an information processing

Art Unit: 2622

device 480 for performing overall control of the cellular phone) capable of communicating with an information input apparatus (an electronic camera 10, Figs 1 and 4), comprising: reception unit (a transmitting and receiving device 453 or 457 for a public line including functions of a transmitting device and a receiving device, Fig 6) configured:

- in a first reception operation where the information processing apparatus (a cellular phone 40) is connected to the information input apparatus (wireless communication is established between respective communication apparatuses, i.e. the camera and cellular phone), to receive information specifying a file (a print order file comprising information such as a file name, the number of prints and a print type is written for each job) recorded on a recording medium (a detachable recording medium 177, Fig 4) of the information input apparatus (the electronic camera 10) (8:4-41, 10:3-31);
- in a second reception operation after the reception in the first reception operation, to receive part of attribute information (sends part of attribute information, such as the information on a name of a server in the selected destination of communication to the cellular phone 40), not all of the attribute information, of the file recorded on the recording medium (177) of the information input apparatus (10) (Fig 10 shows a directory structure of image files and print order files that are recorded in the recording medium 177 of the electronic camera 10 in advance) (9:9-24); and
- in a third reception operation after the reception in the second reception operation, to receive information which has not been received in the second reception operation, not all of the file, among information included in the file recorded on the recording medium of the information input apparatus (uploads images and voice information

Art Unit: 2622

recorded in the electronic camera 10 to the cellular phone which has not been received in the second reception operation, as the electronic camera 10 is arranged to automatically send the print order file as in second reception operation and the image file as in third reception operation, which are prepared in advance, to the cellular phone 40) (9:39-53).

Regarding claim 43, Tanaka discloses a first reception operation further receives information (print order file, Fig 10) specifying the folder recorded on the recording medium (a detachable recording medium 177, Fig 4) of the information input unit (the electronic camera 10, Fig 4) (8:4-22).

Regarding claim 44, Tanaka discloses in said first reception operation said reception unit (a transmitting and receiving device 453 or 457, Fig 6) receives information specifying all files (print order file, Fig 10) recorded on the recording medium (a detachable recording medium 177, Fig 4) of the information input unit (the electronic camera 10, Fig 4) (8:4-22).

Regarding claim 45, Tanaka discloses in said second reception operation said reception unit receives part of the attribute information of a file corresponding to the information specifying the file received in the first case (sends part of attribute information, such as the information on a name of a server in the selected destination of communication to the cellular phone 40, as Fig 10 shows a directory structure of image files and print order files that are recorded in the recording medium 177 of the electronic camera 10 in advance) (9:9-24).

Regarding claim 47, Tanaka discloses the part of the attribute information (sends part of attribute information, such as the information on a name of a server in the selected destination of communication to the cellular phone 40) to be received in the second reception

Art Unit: 2622

operation by said reception unit (a transmitting and receiving device 453 or 457, Fig 6) is information managed by a file system of the information input apparatus (an electronic camera 10, Fig 4) (7:44-64, 8:44-67).

Regarding claim 49, Tanaka discloses an information processing apparatus (a cellular phone 40) according to claim 42 further comprising:

- a first request unit (a transmitting and receiving device 453 or 457, Fig 6) that requests the part of the attribute information (sends part of attribute information, such as the information on a name of a server in the selected destination of communication to the cellular phone 40) to be received in the second reception operation by said reception unit (a transmitting and receiving device 453 or 457, Fig 6) to the information input apparatus (electronic camera 10, Fig 4) (the electronic camera 10 is arranged to automatically send the print order file as in second reception operation, which are prepared in advance, to the cellular phone 40) (9:39-53); and
- a second request unit (a transmitting and receiving device 453 or 457, Fig 6) that requests the information (obtained image data) to be received in the second reception operation by said reception unit (a transmitting and receiving device 453 or 457, Fig 6) to the information input apparatus (electronic camera 10, Fig 4) (uploads images and voice information recorded in the electronic camera 10 to the cellular phone which has not been received in the second reception operation, as the electronic camera 10 is arranged to automatically send the image file as in third reception operation, which are prepared in advance, to the cellular phone 40) (9:39-53).

Regarding claim 50, Tanaka discloses the information received in the third reception operation (images and voice information recorded in the electronic camera 10) by said reception unit is generated in response to the request by said second request unit (a transmitting and receiving device 453 or 457, Fig 6) (9:9-58).

Regarding claim 51, Tanaka discloses the part of the attribute information to be received in the second reception operation by said reception unit includes at least one of a file name and file size of a file (a print order file comprising information such as a file name, the number of prints and a print type is written for each job) (8:4-41, 10:3-31).

Regarding claim 54, Tanaka discloses the information input apparatus is a digital camera (an electronic camera 10 for converting an analog image signal to digital image data, Fig 4) (5:12-20).

Regarding claim 55, Tanaka discloses an information input apparatus (an electronic camera 10, Figs 2 and 4) capable of communicating with an information processing apparatus (a cellular phone 40, Figs 1 and 6), comprising: a transmission unit (transmitting and receiving device 157 including functions of a transmitting device and a receiving device which sends or receives information such as image data, Fig 4) configured:

- in a first transmission operation where the information input apparatus (10) is connected to the information processing apparatus (40), to transmit information specifying a file recorded on a recording medium of the information input apparatus (wireless communication is established between respective communication apparatuses, i.e. the camera and cellular phone, to transmit information specifying a file, i.e. a print order file comprising information such as a file name, the number of

Art Unit: 2622

- prints and a print type is written for each job recorded on a detachable recording medium 177 of the electronic camera 10) (8:4-41, 10:3-31);
- in a second transmission operation after the transmission by said transmission unit (157) in the first transmission operation to transmit part of attribute information, not all of the attribute information, of the file recorded on the recording medium of the information input apparatus (sends part of attribute information, such as the information on a name of a server in the selected destination of communication to the cellular phone 40, as Fig 10 shows a directory structure of image files and print order files that are recorded in the recording medium 177 of the electronic camera 10 in advance) (9:9-24); and
 - in a third transmission operation after the transmission by said transmission unit (157), in the second transmission operation to transmit information which has not been transmitted by said transmission unit in the second transmission operation, not all of the file, among information included in the file recorded on the recording medium of the information input apparatus (uploads images and voice information recorded in the electronic camera 10 to the cellular phone which has not been received in the second reception operation, as the electronic camera 10 is arranged to automatically send the print order file as in second reception operation and the image file as in third reception operation, which are prepared in advance, to the cellular phone 40) (9:39-53).

Regarding claim 56, Tanaka discloses in a first transmission operation said transmission unit (157) further transmits information specifying the folder recorded on the recording

Art Unit: 2622

medium of the information input unit (wireless communication is established between respective communication apparatuses, i.e. the camera and cellular phone, to transmit information specifying a file, i.e. a print order file comprising information such as a file name, the number of prints and a print type is written for each job recorded on a detachable recording medium 177 of the electronic camera 10) (8:4-41, 10:3-31).

Regarding claim 57, Tanaka discloses in a first transmission operation said transmission unit (157) transmits information specifying all files (a print order file) recorded on the recording medium (177) of the information input unit (10) (8:4-41).

Regarding claim 58, Tanaka discloses in a second transmission operation said transmission unit (157) transmits part of the attribute information of a file corresponding to the information specifying the file transmitted in the first transmission operation by said transmission unit (sends part of attribute information, such as the information on a name of a server in the selected destination of communication to the cellular phone 40), not all of the attribute information, of the file recorded on the recording medium (177) of the information input apparatus (10) (Fig 10 shows a directory structure of image files and print order files that are recorded in the recording medium 177 of the electronic camera 10 in advance) (9:9-24).

Regarding claim 60, Tanaka discloses the part of the attribute information to be transmitted in the second transmission operation by said transmission unit (157) is information managed by a file system of the information input apparatus (7:44-64, 8:44-67).

Regarding claim 62, Tanaka discloses an information input apparatus (an electronic camera 10, Fig 1) according to claim 55 further comprising:

Art Unit: 2622

- a first request reception unit (transmitting and receiving device 157 including functions of a transmitting device and a receiving device which sends or receives information such as image data, Fig 4) that receives a first request from the information processing apparatus (a cellular phone 40, Fig 6) that requests the part of the attribute information to be transmitted in the second transmission operation by said transmission unit (sends part of attribute information, such as the information on a name of a server in the selected destination of communication to the cellular phone 40, as the electronic camera 10 is arranged to automatically send the print order file as in second reception operation, which are prepared in advance, to the cellular phone 40) (9:39-53); and
- a second request reception unit (transmitting and receiving device 157 including functions of a transmitting device and a receiving device which sends or receives information such as image data, Fig 4) that receives a second request from the information processing apparatus (a cellular phone 40, Fig 6) that requests the information to be transmitted in the third transmission operation by said transmission unit (uploads images and voice information recorded in the electronic camera 10 to the cellular phone which has not been received in the second reception operation, as the electronic camera 10 is arranged to automatically send the image file as in third reception operation, which are prepared in advance, to the cellular phone 40) (9:39-53).

Regarding claim 63, this claim recites same limitations as claim 50. Thus it is analyzed and rejected as previously discussed with respect to claim 50 above.

Art Unit: 2622

Regarding claims 64, 65, and 67, these claims recite same limitations as claims 51, 52, and 54, respectively. Thus they are analyzed and rejected as previously discussed with respect to claims 51, 52, and 54 above.

Regarding claim 68, this claim differs from claim 42 only in that the claim 42 is an apparatus claim whereas claim 68 recites similar features in a method format. Thus the method claim 68 is analyzed and rejected as previously discussed with respect to claim 42 above.

Regarding claim 69, this claim differs from claim 55 only in that the claim 55 is an apparatus claim whereas claim 69 recites similar features in a method format. Thus the method claim 69 is analyzed and rejected as previously discussed with respect to claim 55 above.

Regarding claim 70, Tanaka discloses a computer readable medium storing a computer program for implementing the information processing method described in claim 68 (an RAM that is a storing device to be a work area when a program is executed) (5:58-6:7).

Regarding claim 71, this claim recites same limitations as claim 70. Thus it is analyzed and rejected as previously discussed with respect to claim 70 above.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 46 and 59 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka (US 7,321,763) in view of Yamazaki (US 6,724,777).

Art Unit: 2622

Regarding claim 46, the limitations of claim 42 are taught above, the Tanaka references does not specifically teach that the part of the attribute information to be received requires less time to receive than the rest of the attribute information not to be received. However, Yamazaki discloses the part of the attribute information to be received requires less time to receive than the rest of the attribute information not to be received (transferring all the data at once requires less time than transferring the same data piecemeal, the time required to transmit all the data is minimized to improve the data communication efficiency) (9:16-32, Yamazaki).

Thus, it would have been obvious to one of ordinary skill in the art to have included the wireless communication system as taught by Yamazaki into Tanaka's data transfer method, as the suggestion/motivation would have been to provide a data transfer method wherein the first processor selects the data packet number and the predetermined re-transmission number, because by doing so, the determination can be reliably performed at high speed (9:16-32, Yamazaki).

Regarding claim 59, this claim recites same limitations as claim 46. Thus it is analyzed and rejected as previously discussed with respect to claim 46 above.

8. Claims 48 and 61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka (US 7,321,763) in view of Chiba (US 2001/0047403).

Regarding claim 48, the limitations of claim 42 are taught above, the Tanaka references does not specifically teach that the part of the attribute information of the file not to be received by said reception unit includes information obtainable by analyzing the file. However, Chiba discloses the part of the attribute information of the file not to be received

Art Unit: 2622

by said reception unit includes information obtainable by analyzing the file (if data transfer request information is not received (NO at S200), control returns to S200 to wait for reception of data transfer request information) ([0068], Chiba).

Thus, it would have been obvious to one of ordinary skill in the art to have included the wireless communication system as taught by Chiba into Tanaka's data transfer method, as the suggestion/motivation would have been to enable the system to provide a data transfer method where a user can easily select required information and transfer information such as a web page to a predetermined information communication terminal ([0016], [0018], Chiba).

Regarding claim 61, this claim recites same limitations as claim 48. Thus it is analyzed and rejected as previously discussed with respect to claim 48 above.

9. Claims 53 and 66 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka (US 7,321,763) in view of Yamazaki (US 6,785,727).

Regarding claim 53, the limitations of claim 42 are taught above, the Tanaka references does not specifically teach that the part of the attribute information of the file to be transmitted by said transmission unit includes information obtainable without analyzing the file. However, Yamazaki discloses the part of the attribute information of the file to be transmitted by said transmission unit includes information obtainable without analyzing the file (it is possible to reserve resources without analyzing job data at the printer side by receiving the setting about resources to be secured while the setting is attached to job data) (27:50-53, Yamazaki '727).

Thus, it would have been obvious to one of ordinary skill in the art to have included the wireless communication system as taught by Yamazaki into Tanaka's data transfer apparatus,

Art Unit: 2622

as the suggestion/motivation would have been to make it possible to preferentially process a job of a reserver in a reserved time zone by making a specified user use a printer in a certain time zone and excluding jobs of other users, because the combination makes it possible to automatically generate the setting about resources to be secured by a reserved job by using job data (2:4-8, Yamazaki '727).

Regarding claim 66, this claim recites same limitations as claim 53. Thus it is analyzed and rejected as previously discussed with respect to claim 53 above.

10. Claim 52 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka (US 7,321,763) in view of Tanaka (US 7,327,387).

Regarding claim 52, Tanaka ('387) discloses the information to be received in the third reception operation by said reception unit includes at least one of thumbnail data and size of data included in the file, and size of the thumbnail data (the thumbnail 146 has image data of the main image 148 whose number of pixels (the number of pixels of VGA or XGA) is reduced to about 160.times.120 as a heading attached thereto and stored therein) (13:20-29, Tanaka '387).

Thus, it would have been obvious to one of ordinary skill in the art to have included the reception unit as taught by Tanaka ('387) into Tanaka ('763)'s apparatus, as the suggestion/motivation would have been to enable a plurality of image information whose number of pixels are different mutually may be recorded, because the image data to be transferred may be minimized as required, a communication time can be shortened and a desired image can be printed in a short time (6:3-5, 13:20-29, Tanaka '387).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Endsley et al. (US 7,034,880) discloses a method for transferring digital images using a camera having a capture device for capturing digital images, a digital memory for storing the captured digital images, and communication means for transmitting the captured digital images to a service provider,
- Niikawa (US 6,947,075) provides a photographing apparatus which is connectable to a network to a plurality of image processing apparatuses are connected via cables or by wireless, and
- Fichtner (US 7,170,551) discloses an automatic transfer of image information between imaging device and host system wherein the host system detects that an imaging device is connected to the host system. In response to detecting the imaging device, one or more images are transferred between the imaging device and the host system.

Inquiries

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Wang whose telephone number is 571-270-1703. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

Art Unit: 2622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-270-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan V Ho/
Primary Examiner, Art Unit 2622

KW
16 June 2009